

should reasonably believe that the other person will regard the contact as offensive;

- (2) In any way obstruct, delay, or interfere with the free movement of any other person or seek to annoy, coerce, or disturb any other person;
- (3) Engage in solicitation or distribute literature outside a solicitation booth or designated area provided for under this division;
- (4) Engage in solicitation or distribute literature without first filing an application and obtaining a permit as required under this division;
- (5) Misrepresent whether any printed matter is available without cost or donation;
- (6) Make any loud or raucous noise, verbalization, communication, or disturbance that interferes with: the public, the ability of others to hear public announcements, the transaction of business by any airline or other airport tenant, concessionaire, licensee, or permittee;
- (7) Drape or attach any materials to any booth or in any designated area;
- (8) Alter a permit issued by the director;
- (9) Engage in solicitation or distribute literature while displaying a permit issued in the name of another person;
- (10) Engage in solicitation or distribute literature in a booth or designated area after the expiration of any permit issued under this division;
- (11) Engage in solicitation or distribute literature for a purpose other than that set out in the application upon which the permit was issued; or
- (12) Misrepresent permittee's identity, purposes, or affiliations to any person at the airports; or
- (13) Represent in connection with the solicitation or distribution of literature that the issuance of a permit by the director con-

stitutes an endorsement or approval of the purposes of such activities by the city or any officer or employee thereof.

(Ord. No. 02-1184, § 1(Exh. A), 12-18-02)

**Secs. 9-74—9-90. Reserved.**

### ARTICLE III. AIRSIDE AREA REGULATIONS\*

#### DIVISION 1. GENERAL

#### **Sec. 9-91. Identification badge required.**

(a) It is unlawful for any person to be in any security identification display area of any city airport unless the person properly and continuously displays, while in the area, a valid, unexpired identification badge issued or approved by the aviation official. An identification badge will be deemed properly displayed only if is worn photograph side up, on the front of the outermost garment between the waist and neck.

(b) It is unlawful for any person to enter into or upon any other airside area of any city airport unless the person continuously has a valid unexpired identification badge issued or approved by the aviation official in his possession while in the area.

(c) It is unlawful for any person to counterfeit or imitate or attempt to counterfeit or imitate an identification badge issued or approved by the aviation official; nor shall any person use or exhibit, or attempt to use or exhibit, any identification badge unless he is the actual authorized holder thereof.

(d) In addition to any administrative remedies available to the director, any person violating any of the provisions of this section shall, upon con-

\***Editor's note**—Ord. No. 02-1984, § 1(Exh. A), adopted December 18, 2002, amended Art. III in its entirety. Formerly, said article pertained to commercial use of airports and derived from Code 1968, §§ 9-119—9-151 and subsequent amendments.

viction, be fined not less than \$50.00 nor more than \$500.00. It is a defense to prosecution under this section that the actor is:

- (1) An enplaning or deplaning passenger; or
- (2) Escorted by a person who is duly badged according to department and TSA regulations.
- (3) A uniformed member of a flight crew with a valid company identification badge who is on the ramp consistent with federal regulations.

(e) For purposes of the enforcement of this section, an identification badge is valid only when used in an area to which it is intended to give its authorized user access and shall not be valid in any other place.

(Ord. No. 02-1184, § 1(Exh. A), 12-18-02)

#### **Sec. 9-92. Bicycles, animals, etc., on air operations area.**

No person shall ride a bicycle or allow any animal on any air operations area of any city airport except in compliance with rules and regulations promulgated by the director.

(Ord. No. 02-1184, § 1(Exh. A), 12-18-02)

#### **Sec. 9-93. Intoxicated on city airports.**

It shall be unlawful to be intoxicated on city airport property. To the extent that the person's conduct also constitutes a violation of state penal laws including, without limitation, Chapter 49 of the Texas Penal Code, then the offense shall be punishable as provided by state law.

(Ord. No. 02-1184, § 1(Exh. A), 12-18-02)

#### **Sec. 9-94. Provision of ground handling services.**

No person shall provide ground handling services on any city airport without first obtaining a ground handling permit from the city.

(Ord. No. 02-1184, § 1(Exh. A), 12-18-02)

#### **Sec. 9-95. Liability insurance required.**

Those persons not under written contract with the city involving activities on or relating to a city airport shall maintain the following insurance

coverages and minimum amounts in order to access the airside of a city airport. Evidence of such insurance coverages shall be provided to the aviation official to his satisfaction.

- (1) Commercial General Liability, including Broad Form Property Damage, Contractual Liability, Bodily Injury, Personal Injury, and Products and Completed Operations:

\$1,000,000.00 per occurrence/aggregate.

- (2) Automobile liability coverage:

Combined single limit of \$1,000,000.00.

- (3) Workers compensation in statutory amounts.

- (4) Such other insurance as the director may require.

(Ord. No. 02-1184, § 1(Exh. A), 12-18-02)

#### **Secs. 9-96—9-110. Reserved.**

### **DIVISION 2. IDENTIFICATION BADGES**

#### **Sec. 9-111. Issuance of identification badge.**

Consistent with procedures issued by the director, the aviation official shall issue identification badges to persons who require access to airside areas in order conduct activities on behalf of the city, department lessees, or department contractors, and to others who are determined by the director to require access. Without limitation, the procedures may, to the extent consistent with applicable laws and regulations, provide for:

- (1) Review and consideration of applicant's background, including criminal history, citizenship status, driving history and related safety and security matters;
- (2) Sponsorship of applicants by department contractors or lessees, who may be required to provide insurance coverage for persons they sponsor and assume responsibility for their actions in using the identification badges;
- (3) Different identification badge classes and geographic coverage areas;

- (4) Requirements for applicants or their sponsors to pay fees to cover the costs of issuing and administering the identification badges;
  - (5) Drug screening and testing of applicants, either through the sponsor or the department;
  - (6) Periodic training and periodic rescreening of identification badge holders by the department or by the sponsors, or both; and
  - (7) Responsibility of sponsor to keep the department notified of the employment status of persons they sponsor and secure the return of identification badges to the department upon request of the department or cessation of employment.
- (Ord. No. 02-1184, § 1(Exh. A), 12-18-02)

**Sec. 9-112. Department property.**

Identification badges issued under this division shall be and remain the property of the department and may only be used in accordance with applicable laws and regulations. Upon lawful request, any person holding a security identification badge shall immediately surrender the badge to the aviation official.

(Ord. No. 02-1184, § 1(Exh. A), 12-18-02)

**Sec. 9-113. Suspension, revocation.**

(a) The director shall establish procedures for the suspension and revocation of identification badges consistent with any applicable laws and regulations. Without limitation, the procedures may provide:

- (1) That identification badge holders may have their badges suspended for a period of time or revoked for violation of applicable laws and regulations.
- (2) That persons in possession of identification badges who are observed while violating applicable laws and regulations may be required to immediately surrender the identification badges to the aviation official, provided that before making any such demand for immediate surrender

the aviation official shall obtain the concurrence of the director or a deputy or assistant director of the department.

- (3) A hearing procedure, for suspensions or revocations, which shall include a provision for a hearing to be afforded on three days' written request to any person who has been required to surrender an identification badge upon demand of an aviation official.

(b) Consistent with procedures established for that purpose, the director may suspend the sponsorship privileges of department lessees and contractors who fail to comply with applicable laws and regulations. Notice and an opportunity for a hearing shall be afforded prior to any suspension or revocation of sponsorship privileges.

(Ord. No. 02-1184, § 1(Exh. A), 12-18-02)

**Secs. 9-114—9-120. Reserved.**

**DIVISION 3. MOTORIZED EQUIPMENT**

**Sec. 9-121. Driver's license required to operate motorized equipment.**

No person shall operate a motorized equipment on the airside area of any city airport unless the person has in his possession a valid driver's license. In any prosecution under this section, the exemptions set forth in Section 521.001 et. seq. of the Texas Transportation Code shall be treated as defenses to prosecution in the manner provided by Section 2.03 of the Texas Penal Code. Any conduct under this section that also constitutes an offense under state law shall be punishable as provided by the applicable state law.

(Ord. No. 02-1184, § 1(Exh. A), 12-18-02)

**Sec. 9-122. Operation of motorized equipment.**

(a) No person shall park or operate any motorized equipment in a manner contrary to or in violation of posted traffic signs on the airside of city airports.

(b) No person shall operate any motorized equipment on the airside of any city airport unless such equipment has been properly permitted in accor-

dance with regulations promulgated from time to time by the director, and the person operating such motorized equipment is in compliance with section 9-91 of this Code.

(c) No person shall operate any motorized equipment between a terminal building and an aircraft from which passengers are enplaning or deplaning at the hardstands on the ramp.

(d) No person shall operate any motorized equipment in the aircraft movement area of the air operations area on any city airport unless the person maintains constant two-way radio contact with the tower and operates in compliance with the radio instructions or other signals given by the tower.

(e) No person shall operate any motorized equipment in any hangar on any city airport unless the exhaust on the motorized equipment is equipped with adequate screens or baffles to prevent the escape of sparks and the propagation of flames.

(f) Any person operating motorized equipment on the airside of any city airport shall yield the right-of-way to any aircraft that is being towed or maneuvered.

(g) No person operating motorized equipment on the airside of any city airport shall pass any moving aircraft without first receiving clearance from the tower.

(h) No person shall operate motorized equipment on the airside of any city airport without operating headlights and taillights, both of which shall be of sufficient brilliance to assure safety while operating at night. Such lights shall be kept lighted between sunset and sunrise. All motorized equipment shall have not less than one reflector mounted on each corner of such equipment.  
(Ord. No. 02-1184, § 1(Exh. A), 12-18-02)

#### **Sec. 9-123. Airside speed limits.**

(a) It shall be unlawful for any person to operate motorized equipment on the air operations area and the secured area of any city airport in excess of 15 miles per hour.

(b) It shall be unlawful for any person to operate motorized equipment on the airside service roads of any city airport in excess of 25 miles per hour.

(c) It shall be unlawful for any person to operate motorized equipment in the tug tunnels at IAH or HOU in excess of 10 miles per hour.  
(Ord. No. 02-1184, § 1(Exh. A), 12-18-02)

#### **Sec. 9-124. Storing, parking, or repairing of motorized equipment.**

(a) No person shall store, park, or repair any motorized equipment of any kind on any air operations area or secured area of any city airport, except in areas that are clearly marked by signage as designated by the aviation official for such purposes.

(b) The aviation official may move or cause to be moved to some other location, at the sole expense and risk of the owner, any motorized equipment that is in violation of this section or any other city ordinance or city airport rule or regulation.  
(Ord. No. 02-1184, § 1(Exh. A), 12-18-02)

#### **Secs. 9-125—9-140. Reserved.**

### **DIVISION 4. AIRCRAFT OPERATIONS**

#### **Sec. 9-141. Removal of aircraft from city airports.**

(a) The aviation official may move or cause to be moved any disabled aircraft or its wreckage on any city airport that creates a hazard or interferes with or jeopardizes the safe and orderly operation of the city airport and its lawful use by others. The removal shall be at the owner's sole expense and risk.

(b) In an emergency, when it is necessary to remove immediately any crashed or disabled aircraft or its wreckage from any city airport to restore the city airport to normal operational conditions, the director shall have the authority, on an emergency basis, to expend funds for that purpose from department funds budgeted in the miscellaneous contractual services account, if said funds are available. Any such action shall be

consistent with city procedures for the issuance of emergency purchase orders, shall be coordinated with city purchasing officials, and shall, where applicable based upon the cost of the work, be submitted to city council as soon as practicable following the commencement of the work.  
(Ord. No. 02-1184, § 1(Exh. A), 12-18-02)

**Sec. 9-142. Aircraft parking charges for city airports.**

(a) The range of aircraft parking charges that the director may impose on an aircraft operator for each 24-hour period, or any part thereof, that an aircraft is parked on the unleased areas on the city airports that are controlled by the city shall be as follows:

- (1) For aircraft with a wingspan up to but not including 79 feet, \$70.00 to \$125.00.
- (2) For aircraft with a wingspan from 79 feet up to but not including 118 feet, from \$100.00 to \$200.00.
- (3) For aircraft with a wingspan from 118 feet up to but not including 171 feet, from \$150.00 to \$250.00.
- (4) For aircraft with a wingspan from 171 feet up to but not including 214 feet, from \$200.00 to \$350.00.
- (5) For aircraft with a wingspan of 214 feet or greater, from \$300.00 to \$500.00.

(b) Prior to parking an aircraft on any unleased area on the city airports that is controlled by the city, the operator shall first obtain the approval of the aviation official.

(Ord. No. 02-1184, § 1(Exh. A), 12-18-02)

**Secs. 9-143—9-160. Reserved.**

**DIVISION 5. COMMERCIAL USE**

**Sec. 9-161. Council authorization required.**

No person shall use any city airport or any facility of any city airport for commercial activities without having been authorized so to do by the city council.

(Ord. No. 02-1184, § 1(Exh. A), 12-18-02)

**Sec. 9-162. Landing fees.**

(1) The following landing fees are hereby established for those aircraft operators conducting flights into IAH, HOU and EFD who do not have a written contract with the city providing for the use of the city airport:

- a. Each such aircraft operator conducting flights into IAH or HOU shall pay a landing fee for each landing of an aircraft at the airport at the same rate established from time to time for that airport in the city contracts applicable to signatory scheduled commercial airlines, plus an administrative fee not to exceed 25 percent as established by the director to recover the city's costs of billing and collection of the fees and other administrative expenses.
- b. Each aircraft operator conducting flights into EFD shall pay a landing fee at a rate to be established by the director between a minimum of \$0.50 and a maximum of \$1.50 per thousand pounds of FAA maximum certified gross landing weight.
- c. If the FAA has not approved a maximum certified gross landing weight for a particular aircraft, the above rates shall be applied to the aircraft manufacturer's maximum gross landing weight.
- d. Notwithstanding the foregoing, the minimum landing fee for any aircraft landing at any city airport shall be \$25.00 per landing, regardless of weight.
- e. The landing fee rate shall be subject to a year-end adjustment as such procedure is described in the written contract providing for the use of the airport between the city and the signatory scheduled commercial airlines. Aircraft operators subject to this section shall pay the difference or be credited the difference between the initial rate and the adjusted rate as applied to landing weight described in this section.

(2) The landing fee imposed under this section for each individual city airport shall not apply to the following:

- a. Scheduled commercial airlines operating under a certificate issued by the depart-

ment of transportation or operating under the authority of a bilateral treaty agreement with the United States of America that have executed a contract, lease or other agreement with the city and that are obligated to pay landing fees established in accordance with the provisions of that contract or lease agreement.

- b. Nonscheduled aircraft operating under certificates issued by the FAA pursuant to authority other than Federal Aviation Regulation Parts 121, 125, 129 or 135.

(3) Each aircraft operator conducting flights into or out of IAH, HOU and EFD shall provide a monthly report of all enplaning and deplaning passengers or cargo loaded and off-loaded. The reports shall also include information regarding the number of flights, terminals utilized, and any other information required by the director.

(Ord. No. 02-1184, § 1(Exh. A), 12-18-02)

#### **Sec. 9-163. Collection, payment of landing fees.**

Each fixed base operator on IAH, HOU or EFD whose facilities are used for the origination or termination of a commercial or revenue flight for which a landing fee is due under section 9-162 of this Code shall collect the landing fee from the aircraft operator engaged in the flight and shall provide to the aircraft operator a receipt upon a form furnished by the director to evidence payment thereof. The fixed base operator shall remit to the director the amounts received on a monthly basis together with a complete report and accounting upon the forms furnished by the director for this purpose. As compensation for this service and the cost to the fixed base operator involved, the fixed base operator may retain from each landing fee collected a sum equal to 25 percent thereof or the sum of \$5.00, whichever is less.

(Ord. No. 02-1184, § 1(Exh. A), 12-18-02)

#### **Sec. 9-164. Failure to pay fees; fees supplemental.**

(a) It shall be unlawful for any aircraft operator who incurs any landing fee obligations under section 9-162 to remove or attempt to remove

from IAH, HOU, or EFD any aircraft for which a landing fee has been incurred without first paying the charges.

(b) The airport landing fees shall be in addition to and not in lieu of any other fees or charges established for the use of the particular city airport.

(Ord. No. 02-1184, § 1(Exh. A), 12-18-02)

#### **Sec. 9-165. Use of unleased areas at HOU and Terminal A at IAH.**

(a) Upon the written permission of the director, the unleased terminal space (including common use areas) and associated apron space at HOU and Terminal A at IAH may be occupied by scheduled or nonscheduled airlines for consideration based upon the categories, rate making methodology, periodic adjustment, and reconciliation procedure described in the use and lease agreement providing for the use of the city airport between the city and the signatory scheduled airlines.

(b) A scheduled or nonscheduled airline shall also pay an administrative fee of up to 25 percent (as established by the director to recover the city's costs of billing and collection of rental fees and other administrative expenses) of the consideration described in this section for the use of the unleased terminal space (including common use areas) and associated apron space at HOU and Terminal A at IAH.

(c) The aircraft parking charges set forth in section 9-142 may be applied to aircraft operators falling under this section as described therein. However, the aircraft parking charges shall only apply after the maximum gate occupancy time allocations have expired as described in the most recent access and assignment policy of the department.

(d) The director is hereby authorized to refund any overcharges made pursuant to this section by means of a credit against future payments made by an airline pursuant to this section.

(Ord. No. 02-1184, § 1(Exh. A), 12-18-02)

**Sec. 9-166. Common use areas at Terminal D and the FIS.**

(a) Non-signatory airlines who desire to use the common use areas at Terminal D and the FIS at IAH may do so after receiving the written permission of the director, which shall be granted if space is available.

(b) Consideration for the use of such common use areas at Terminal D and the FIS shall be based upon the categories, rate making methodology, periodic adjustments, and reconciliation procedures described in the international facilities agreement for the use of Terminal D and the FIS between the city and signatory airlines.

(c) Non-signatory airlines shall also pay an administrative fee of up to 25 percent (as established by the director to cover the city's costs of billing and collection of user fees and other administrative expenses) of the consideration described in this section for the use of the common use areas at Terminal D and the FIS.

(d) The aircraft parking charges set forth in section 9-142 may be applied to this section as described therein. However, the aircraft parking charges shall only apply after the maximum gate occupancy time allocations have expired as described in the most recent access and assignment policy of the department.

(Ord. No. 02-1184, § 1(Exh. A), 12-18-02)

**Sec. 9-167. Air cargo operations at IAH.**

(a) For each three-hour cargo operation (i.e. cargo off-load and/or on-load) or any part thereof not involving livestock, or for each four-hour period or any part thereof for air cargo operations involving livestock, the permitted range of air cargo aircraft operations charges that the director may impose on an aircraft operator for the use of the cargo apron areas at IAH shall be as follows:

- (1) For aircraft with a wingspan up to but not including 79 feet, from \$125.00 to \$200.00
- (2) For aircraft with a wingspan from 79 feet up to but not including 118 feet, from \$225.00 to \$350.00.

(3) For aircraft with a wingspan from 118 feet up to but not including 171 feet, from \$325.00 to \$450.00.

(4) For aircraft with a wingspan from 171 feet or greater, from \$450.00 to \$600.00.

(b) Aircraft operators who are permitted to have their aircraft remain on the air cargo apron areas by an aviation official beyond the air cargo operation time period additionally shall be charged the aircraft parking charge set forth in section 9-142.

(c) All air cargo operations at IAH shall be conducted only on air cargo apron designated by the director except as otherwise permitted by an aviation official. In the event air cargo operations are directed by an aviation official to be conducted on other than designated air cargo apron areas on IAH, the parking charges set forth in section 9-142 shall apply in lieu of the charges set forth in this section.

(Ord. No. 02-1184, § 1(Exh. A), 12-18-02)

**Sec. 9-168. Loading and discharging of passengers.**

No scheduled or non-scheduled airline shall load or discharge passengers at city airports except at the aircraft parking positions at the terminals, hard stand locations on the ramps as designated by the aviation official, or on fixed base operator aprons. In the case of an emergency, a scheduled or non-scheduled airline may discharge passengers elsewhere on a city airport as directed by the aviation official.

(Ord. No. 02-1184, § 1(Exh. A), 12-18-02)

**Secs. 9-169—9-180. Reserved.**

**DIVISION 6. DELIVERY OR RECEIPT OF AIRCRAFT FUELS**

**Sec. 9-181. Permission—Required.**

It shall be unlawful for any person to deliver aircraft fuel to a city airport, whether by pipeline, tank car, transportation truck, or any other means, for the purpose of storage, sale, distribution, or use thereat, without written permission from the aviation official, provided that the provisions of

this division shall not apply to deliveries of aircraft fuel made pursuant to a written agreement with the city.

(Ord. No. 02-1184, § 1(Exh. A), 12-18-02)

**Sec. 9-182. Same—How obtained.**

The written permission required by section 9-181 shall be obtained by written application to the aviation official. Endorsement of approval by the aviation official on a copy of the written application that has been returned to applicant will constitute continuing permission to make aircraft fuel deliveries until canceled by either party, at which time the endorsed copy of the application shall be returned to the director. The aviation official may cancel any such permission upon failure of the permittee to pay the fees prescribed in this division or otherwise to comply with the provisions of this division. The application must contain the names and airport address of each of the supplier's customers.

(Ord. No. 02-1184, § 1(Exh. A), 12-18-02)

**Sec. 9-183. Charge to be paid by suppliers—Imposed; amount.**

\*There is hereby imposed upon all persons delivering aircraft fuel to any city airport a charge of \$0.06 per gallon of fuel delivered to the city airport for the purpose of storage, sale, distribution or use. This charge shall not be applicable to deliveries of aircraft fuel made to the following:

- (1) Scheduled airlines operating scheduled services to the airport pursuant to state or federal authority that are obligated by contract, lease, or ordinance to pay a landing fee to the city, provided that the aircraft fuel is used in aircraft engaged in operating the scheduled airline service.
- (2) Nonscheduled aircraft operating at the airport under certificates issued by the FAA pursuant to Federal Aviation Regulations Parts 121 and 129 that are obli-

gated by contract, lease, or ordinance to pay a landing fee to the city.

(Ord. No. 02-1184, § 1(Exh. A), 12-18-02; Ord. No. 04-1198, § 1, 12-10-03)

\*Editor's note—Section 4 of Ord. No. 04-1198 states that the effective date for the charge referred to herein is 7:00 a.m. CST, February 1, 2004.

**Sec. 9-184. Same—When and where payable; statement and invoice to accompany payments.**

The charge imposed by section 9-183 shall be due and payable monthly at the office of the director on or before the tenth day of the calendar month following the month in which the deliveries are made. Payments shall be accompanied by a statement, verified as true and correct by the person making the same, that such payment is equal to the charge per gallon imposed by section 9-183 multiplied by the number of gallons of aircraft fuel delivered to the city airport during the preceding month. The statement shall contain a detailed listing of each invoice giving the type of fuel, number of gallons and delivery ticket number for each customer receiving said fuel, or in lieu thereof, a copy of each invoice included in the payment computation may be submitted with the payment. If the supplier is an individual, association of individuals, or partnership, the report and statement must be signed and verified by the individual, by a member of the association, or by one of the partners, as the case may be. If the supplier is a corporation, the report and the statement shall be signed and verified by its duly authorized officer or officers.

(Ord. No. 02-1184, § 1(Exh. A), 12-18-02)

**Sec. 9-185. Reports by receiver of fuels.**

It shall be the duty of each person accepting delivery of aircraft fuel at any city airport for the purpose of storage, sale, distribution, or use thereat, to timely furnish to the director a true and correct statement showing the correct number of gallons received. The statement shall contain a detailed listing of each invoice giving the type of fuel, number of gallons and delivery ticket number by date of delivery. This statement shall be made monthly on or before the tenth day of each calendar month showing deliveries for the preceding



month. The statement will be made on a form furnished by the director. If the person receiving the delivery of fuel is an individual, association of individuals, or partnership, the statement shall be signed and verified by the individual, by a member of the association, or by one of the partners, as the case may be. If the recipient of

the delivery of aircraft fuel is a corporation, the statement shall be signed and verified by its duly authorized officer or officers.  
(Ord. No. 02-1184, § 1(Exh. A), 12-18-02)

**Sec. 9-186. Records of supplier and receiver.**

Both the supplier and each person receiving deliveries of aircraft fuel shall keep accurate records that reflect the exact gallonage of aircraft fuel delivered. The records and books of the supplier and receiver of aircraft fuel shall be made available for inspection upon request by the director at all times during the normal business hours for verification of fuel deliveries reported to the director by the supplier.  
(Ord. No. 02-1184, § 1(Exh. A), 12-18-02)

**Sec. 9-187. Fuel system at IAH.**

(a) No person shall uplift fuel from the fuel system at IAH except in accordance with the most recent fuel system and appurtenances license agreement entered into between the city and the IAH fuel system licensees.

(b) Notwithstanding subsection 9-187(a), a person who is not a licensee under the most recent fuel system and appurtenances license agreement may uplift fuel as long as he meets one of the definitional requirements of a permittee set forth therein.

(c) For its use of the fuel system, a permittee shall pay to the city a fee calculated by multiplying the permittee's gallonage uplifted monthly by the highest annual depreciation and interest expense associated with the capital improvement cost to the IAH fuel system and ground rental rate per gallon paid by all licenses in accordance with the fuel license. The rate used will be the prior month's highest such rate per gallon paid by any licensee.

(d) For its use of the fuel system, a permittee shall also pay to the city a fee calculated by multiplying the permittee's gallonage uplifted monthly by the highest maintenance and operation rate per gallon paid by any licensee to the city during the prior month.  
(Ord. No. 02-1184, § 1(Exh. A), 12-18-02)

**Secs. 9-188—9-200. Reserved.**

**ARTICLE IV. EXPLORING FOR OR  
PRODUCING, REFINING, ETC.,  
PETROLEUM PRODUCTS AT HOUSTON  
INTERCONTINENTAL AIRPORT (IAH)\***

**DIVISION 1. GENERALLY**

**Sec. 9-201. Compliance with and application of article.**

No person shall explore for, drill for, mine, produce, store, refine or process oil, gas and other petroleum products from or on the following described lands, except as provided in this article:

Being a tract of land in Harris County, Texas, and being more particularly described by metes and bounds as follows:

**BEGINNING** at the intersection of the easterly right-of-way line of Aldine-Westfield Road with the southerly right-of-way line of Greens Road;

**THENCE** easterly along the southerly right-of-way line of the said Greens Road to a point 100 feet east of the easterly line of the Malcolm McAuley Survey, A-577;

**THENCE** northerly along a line parallel with and 100 feet easterly from the easterly line of the Malcolm McAuley Survey, A-577, crossing Greens Road, to the northerly right-of-way line of the said Greens Road;

**THENCE** easterly along the northerly right-of-way line of Greens Road to the easterly line of the W.C.R.R. Survey, A-893;

**THENCE** N 0° 09' E along the easterly line of the W.C.R.R. Survey, A-893 and the most easterly line of the Jas. R. Johnston Survey, A-1084, a distance of 4,237.66 feet to a point;

**THENCE** S 89° 54' E a distance of 758.81 feet to a point;

\***Editor's note**—Ord. No. 02-1184, § 1(Exh. A), adopted December 18, 2002, amended Art. IV in its entirety. Formerly, said article pertained to similar subject matter and derived from Code 1968, §§ 9-192—9-207.

**Cross reference**—Oil and gas wells generally, Ch. 31.